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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CARL BENTLY MARION II,

Case No.: 1:24-cv-00872-KES-SKO

Plaintiff,

**ORDER TO SHOW CAUSE IN WRITING
WHY SANCTIONS SHOULD NOT BE
IMPOSED FOR PLAINTIFF'S FAILURE
TO FILE STATUS UPDATE OR,
ALTERNATIVELY, TO WITHDRAW THE
MOTION FOR DEFAULT**

v.

EDGAR OREGEL, et al.,

SEVEN (7) DAY DEADLINE

Defendants.

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Plaintiff Carl Bently Marion II is represented by counsel in this civil rights action pursuant to 42 U.S.C. section 1983.

On December 16, 2025, the Court issued its Order Approving Substitution of Counsel; Directing the Clerk to Terminate Attorney Hayden; Discharging Attorney Hayden's Obligation to Serve Plaintiff; Requiring Attorney Hanagan to Serve a Copy of This Order on Plaintiff; Requiring a Status Update Regarding the Motion for Default; and Extending Plaintiff's Time to Serve Defendant Under Rule 4(m). (*See* Doc. 20.) The Court directed "Plaintiff to, within seven (7) days, either (1) file a status update indicating that he wishes to proceed with the motion for default; or (2) withdraw the motion for default."¹ (*Id.* at 2.)

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¹ "Plaintiff's Motion for Default Judgment" was filed November 25, 2025. (*See* Doc. 17.)

Although more than 7 days have passed, Plaintiff has failed to file a status update or to withdraw the motion for default.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff **SHALL** show cause in writing, within 7 days of the date of this order,² why sanctions should not be imposed for his failure to comply with the Court's order issued December 16, 2025; or
 2. **Alternatively**, within that same time, Plaintiff may file the required status update and/or withdraw the motion for default.

WARNING: Plaintiff's failure to comply with this Order to Show Cause and the Court's December 16, 2025, order may result in a recommendation that this action be dismissed, without prejudice, for Plaintiff's failure to obey court orders.

IT IS SO ORDERED.

Dated: **December 29, 2025**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE

² The Court notes it has previously issued an Order to Show Cause for Plaintiff's failure to obey Court orders. (See Doc. 10.)